

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEON STAMBLER,	§	
	§	
Plaintiff,	§	Civil Action No. 2:12-CV-610
	§	
v.	§	Honorable Rodney Gilstrap
	§	
THE CLEARING HOUSE ASSOCIATION LLC,	§	
and	§	
THE CLEARING HOUSE PAYMENTS	§	
COMPANY LLC,	§	
	§	
Defendants.	§	
	§	

AFFIDAVIT OF MADELYN FIORILLO

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

I Madelyn Fiorillo, being duly sworn, deposes and says:

1. I am over the age of twenty-one (21) and fully competent to furnish this Declaration.
2. I am Vice President, Business Analytics at The Clearing House Payments Company LLC ("The Clearing House").
3. As to each of the statements set forth in this Affidavit, I either have personal knowledge, or have made inquiries and believe the statement to be true to the best of my knowledge, information and belief.

4. The principal offices of The Clearing House are in New York City.
 5. The principal corporate records of The Clearing House are in New York City.
 6. The Clearing House has no offices, property or facilities in this District.
 7. The Clearing House has no mailing address or telephone listings in this District.
 8. The Clearing House does not maintain any corporate files in this District.
 9. There are no officers, employees or agents of The Clearing House living or working in this District.
10. The technical staff of The Clearing House work from its New York City and Winston-Salem, North Carolina locations.
11. The Clearing House Interbank Payment System ("CHIPS") is a service for fund transfers between banks. It is a service used by banks only, not consumers.
12. CHIPS and other services of The Clearing House are used by banks throughout the United States.
13. CHIPS was designed and developed at The Clearing House's office in New York City, in conjunction with Burroughs Corporation (now Unisys), a third party vendor with an office in New York City (with work possibly being done at its office located in a Philadelphia, Pennsylvania suburb as well).
14. CHIPS was first put into operation from New York City in about 1970.
15. Since its roll-out in the 1970's, CHIPS has been updated over time. In roughly 2005, CHIPS was updated to use a third party communications program which optionally incorporates the use of SSL. The design work for updating CHIPS in this way was done in the

New York City area, and the vendor of that third party communications facility, IBM, was and is located in New York.

16. All development and updating of CHIPS has been performed in the New York City area, except for some maintenance updates conducted from North Carolina starting around August 2007.

17. CHIPS runs in a data center of The Clearing House located in New York City, with a primary back-up mirror site in Winston-Salem, North Carolina, and a tertiary back-up site in Tampa, Florida. CHIPS runs from the New York City data center all the time, except for testing and contingent events (weather emergencies, technical problems, etc.).

18. All documents concerning the design, development and updating of CHIPS are located in the New York City area, with perhaps some in the Winston-Salem, North Carolina area also.

19. All documents concerning the marketing, sales or pricing of CHIPS are located in either the New York City or Winston-Salem, North Carolina areas.

20. There are four development personnel of The Clearing House who currently work on CHIPS. Three are located in New York City, and a fourth is in Winston-Salem, North Carolina. The development system for CHIPS is located in New York City.

21. There are two people at The Clearing House that provide technical documentation regarding how CHIPS work, and to help banks connect with CHIPS. Both of those people are in New York City.

22. All personnel of The Clearing House involved in the marketing, sales and pricing of CHIPS are located in either New York City or Winston-Salem, North Carolina.

23. The Clearing House has never undertaken any business dealings or contacts with Mr. Leon Stambler, either in Texas or anywhere else.

Madelyn Fiorillo

Madelyn Fiorillo

Subscribed and sworn to me in the State of New York,
County of New York, this 20th day of December, 2012.

William J. Plucinski

Notary Public

